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Attorneys for Plaintiff
GROUPION, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GROUPION, LLC a California limited liability
company,

Plaintiffs,

vs.

GROUPON, INC., a Delaware corporation,
THE POINT, INC., a Delaware corporation, and,
GOOGLE, INC., a Delaware corporation,

Defendants.

Case No. 3:2011-cv-00870-JSW

**DECLARATION OF JACK RUSSO, ESQ., IN
SUPPORT OF PLAINTIFF GROUPION, LLC'S
OPPOSITION TO DEFENDANT GROUPON,
INC.'S OBJECTION TO REPLY EVIDENCE
AND ADMINISTRATIVE MOTION FOR
LEAVE TO FILE SUPPLEMENTAL BRIEF IN
OPPOSITION OF PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT AND
REQUEST FOR PRELIMINARY
INJUNCTION**

Before: The Hon. Jeffrey S. White
Date filed: September 14, 2011

1 I, Jack Russo, declare under penalty of perjury as follows:

2 1. I am an attorney licensed to practice law in the State of California at the law firm of
3 Computerlaw Group LLP, counsel for Plaintiff Groupon LLC. I make the statements herein of my
4 personal knowledge, except where stated on information and belief, which statements I believe to be
5 true. I could and would competently testify to the matters stated herein if I were called as a witness.

6 2. On September 13, 2011, I was informed by an attorney in my firm that Groupon's
7 counsel had requested by telephone an agreement (by way of stipulation) to allow Groupon to file a
8 supplemental brief in reply to Plaintiff's Reply to Groupon's Opposition to Plaintiff's Motion for
9 Summary Judgment and Request for Preliminary Injunction.

10 3. On September 13, 2011, I responded by letter to Groupon's request by explaining that
11 I believed that Plaintiff Groupon had not submitted any new evidence or arguments in its reply brief
12 and that I did not believe that further briefing by Groupon was justified. A true and correct copy of
13 my September 13, 2011, letter is attached as Exhibit 1.

14 4. I did not receive a response to the letter that I sent on September 13, 2011, to
15 Groupon's counsel.

16 I declare under penalty of perjury under the laws of the State of California that the foregoing
17 is true and correct and that this Declaration was executed this 14th day of September, 2011 in Palo
18 Alto, California.

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21 /s/ Jack Russo
22 Jack Russo
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